

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

RECEIVED

JAN 20 2011

AT 8:30 _____ M
WILLIAM T. WALSH, CLERK

SHAWN R. SELIBER

Plaintiff,

V.

ULRIKE MUSCHAWECK,

Defendant.

COMPLAINT

11-362
(WTM)

STATEMENT OF CLAIM

Shawn R. Seliber, claimant herein hereby files this claim against the Defendant Dr. Ulrike Muschaweck in support thereof states as follows:

FACTS

1. The Plaintiff is a resident of Concord, North Carolina.
2. The Defendant Ulrike Muschaweck, M.D. is a physician licensed to practice medicine in the country of Germany and regularly engages in the practice of medicine in New Jersey.
3. The Defendant's office is located at Arabellastrasse 17, 81925 München Germany and she is a resident of Munich, Germany.
4. That the amount of this claim exceeds \$75,000 and complete diversity exists under 28 USC §1332.
5. That the appropriate venue for this claim is New Jersey as Ulrike Muschaweck, M.D. examined and treated Plaintiff after the two surgeries in West Orange, New Jersey.
6. That Ulrike Muschaweck, M.D. is Surgical Chief at the Hernia Center Munich in Munich, Germany.
7. That on or about November 25, 2008 and January 20, 2009, Defendant provided medical services to the Plaintiff in Munich, Germany in the form of an operation (attempted hernia repairs).

8. That during the Plaintiff's surgeries on November 25, 2008 and January 20, 2009, Defendant lacerated the Plaintiff's nerves and failed to repair either hernia causing severe physical injury and conscious pain and suffering to the Plaintiff.
9. That during the Plaintiff's surgeries on November 25, 2008 and January 20, 2009, Defendant owed a duty to the Plaintiff to perform the surgery within an acceptable standard of medical care within the medical community and Defendant breached this standard of care by lacerating the Plaintiff's nerve branches in the groin, causing serve nerve damage and causing the Plaintiff physical injury.
10. That after Plaintiff's surgeries Defendant examined and treated Plaintiff in April 2009 at the office of Dr. Edward Decter located at 1500 Pleasant Valley Way, Suite 101, West Orange, New Jersey 07052.
11. That Defendant breached the standard of care by continuing to misdiagnosis and mistreat Plaintiff during treatment in New Jersey.
12. That as a direct and proximate result of the breach of the applicable standard of medical care by Defendant, which resulted in the serve damage to the groin, the Plaintiff: 1) suffered conscious pain and suffering in the past and will suffer conscious pain and suffering into the future, 2) incurred past and future lost wages, 3) suffered loss of earning capacity in the past and into the future, 4) suffered loss of household services in the past and into the future, 5) incurred medical expenses in the past and will incur future medical expenses, 6) suffered mental anguish, 7) suffered permanent physical injuries and disfigurement, and 8) was required to undergo additional medical procedures and has sustained other damages.
13. That all of the injuries and damages sustained by the Plaintiff were the direct and proximate result of the negligent actions of Defendant without any act or omission on the part of the Plaintiff directly thereunto contributing.
14. That the Plaintiff did not assume the risk of his injuries.

COUNT I (Negligence – Medical Malpractice)

1. The Plaintiff re-alleges and incorporates by reference herein all of the allegations contained in paragraphs 1-14 above.
2. That Defendant deviated from the acceptable standard of medical care during the surgeries she performed on the Plaintiff on November 25, 2008 and January 20, 2009 and that this deviation was the direct and proximate cause of the laceration of the Plaintiff's nerve damage to the groin and the direct and proximate cause of all of the Plaintiff's injuries and damages.

WHEREFORE: The Plaintiff claims damages against Defendant individually in an amount to be determined at trial, plus costs, and for any further relief that this Honorable Court determines necessary and appropriate.

WHEREFORE: The Plaintiff claims damages against Ulrike Muschaweck, M.D. in an amount to be determined at trial, plus costs, and for any further relief that this Honorable Court deems necessary and appropriate.

Respectfully submitted,
Shawn R. Seliber

Shawn Seliber January 18, 2011

3318 MBA Court
Concord, NC 28027

(925) 408-8698

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